

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

Voluntary - Public

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**GAIN Report Number:** MX9326

## Mexico

**Post:** Mexico ATO

### Mexico Publishes Labeling Regulations for Food and Beverages

#### Report Categories:

Policy and Program Announcements

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#### Report Highlights:

On August 26, 2009, the Mexican Government published in the Diario Oficial (Official Gazette) the proposal of standard PROY-NOM-051-SCFI/SSA1-2009 “General Guidelines for Labeling Prepackaged Foods and Non-Alcoholic Beverages – Commercial and Sanitary Information”. The industry has 60 days to make comments on this regulation.

According to Mexican regulations, all non-emergency NOMs begin as a proposed NOM (or *Anteproyecto*, identified by the PROY abbreviation in the NOM’s title) that is published in the Diario Oficial. Proposed NOMs are based on the domestic interests of government and industry, as expressed in a consultative committee specific to each NOM. Upon publication, the GOM usually allows 60 calendar days for any interested parties, both Mexican and foreign, to submit their comments in writing. These must be in Spanish. Following the comment period, the issuing agency is granted a 45-day review period after which the agency’s responses to all comments received are published in the Diario Oficial. The proposed NOM is then returned to the consultative committee where it may be modified to reflect comments which were found to have merit, followed by legal review. The agency issuing the NOM then

publishes the NOM as a final rule. POST NOTE: It is worth mentioning that after the proposed NOM is returned to the consultative committee, there is no specific timeframe for the final version of the NOM to be published, and needs to follow the procedure established by the Mexican Commission for Regulatory Improvement (*Comision de Mejora Regulatoria, or COFEMER*), which creates an additional opportunity for interested parties to submit comments to the NOM.

**GAIN report MX9324 Mexico Proposes Labeling Changes for Food and Nonalcoholic Beverages | Policy and Program Announcements | Mexico ATO | Mexico | 8/6/2009** outlines background information on this regulation.

This regulation was published as it was initially approved by COFEMER, although in its approval, COFEMER expressed that some sensitive issues needed to be accounted for, which turned out to be some of the already expressed concerns, such as the short implementation period once the NOM is approved along with the cost of changing already existing labels in stored products, the possibility of facing double regulation for some products with specific labeling requirements expressed in other NOMs and the lack of consistency with Mexico's positions in CODEX related regulation.

The following link outlines the comments sent to COFEMER in the authorization process before the official publication of this PROY-NOM

[http://www.apps.cofemer.gob.mx/cofemerapps/scd\\_expediente\\_3.asp?id=03/1585/200709](http://www.apps.cofemer.gob.mx/cofemerapps/scd_expediente_3.asp?id=03/1585/200709)

Industry is encouraged to submit comments directly to the NOM's proposing Committees: the National Consultative Committee on Consumer Safety, Commercial Information & Trade Practices Standardization (*Comite Consultivo Nacional de Normalizacion de Seguridad al Usuario, Informacion Comercial y Practicas de Comercio, or CCNN-SUICPC*) or the National Consultative Committee on Sanitary Promotion and Regulation Standardization (*Comite Consultivo Nacional de Normalizacion de Regulacion y Fomento Sanitario, or CCNN-RFS*)

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